

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Yasmeen Al-Farouk,

Plaintiff(s),

VS.

Kristine Nelson, et al.,

Defendant(s).

2:23-CV-01372-CDS-MDC

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SERVICE (ECF No. 14)**

The Court issued an Order directing that some of the plaintiff's claims can proceed. See ECF No.

13. The Court now addresses the issue of summons. Pursuant to Fed. R. Civ. P. 4(c)(3), at the plaintiff's request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

While plaintiff has not specifically requested Marshal service, the Court liberally construes plaintiff's filing regarding summons and service as a *Motion for Service* ("Motion"). ECF No. 14. The Court GRANTS plaintiff's Motion.

Accordingly,

IT IS ORDERED that:

1. The plaintiff's *Motion for Service* (ECF No. 14) is GRANTED.
2. The Clerk of Court is kindly directed to issue and deliver the summonses and sufficient copies of the Amended Complaint (ECF No. 9) and the Order allowing plaintiff's § 1983 claims to proceed (ECF No. 13), to the U.S. Marshals Service for service upon defendants Nelson, Parven, Susich, Sewell, Ford, Weiss, Sarafina, and Lombardo.
3. The Clerk of Court is kindly directed to send to plaintiff sufficient copies of Form USM-285.

4. Within 20 days of this Order, plaintiff must complete a USM-285 form for each defendant and provide an address where each defendant can be served with process. Once completed, plaintiff must provide the completed USM-285 forms to the U.S. Marshals Service at 333 Las Vegas Blvd. South, Suite 2058, Las Vegas NV 89101.

5. Upon receipt of the issued summonses, the USM-285 forms, and the copies of the operative complaint—and pursuant to Federal Rule of Civil Procedure 4(c)(3)—the U.S. Marshals Service shall attempt service upon the defendants.

6. Within 20 days after receiving from the U.S. Marshals Service a copy of the form USM-285 showing whether service has been accomplished, plaintiff must file a notice with the Court identifying whether the defendants were served. If plaintiff wishes to have service again attempted on a defendant, plaintiff must file a motion with the Court identifying the defendant and specifying a more detailed name and/or address for that defendant or whether some other manner of service should be attempted.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's

1 attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this
2 rule may result in dismissal of the action.

3 DATED this 19th day of August 2024.

4 IT IS SO ORDERED.

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6 Hon. Maximilian D. Couvillier III
7 United States Magistrate Judge
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